

FILED IN OPEN COURT
FEB 2 2013

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

FEB 2 2013

AMate

UNITED STATES OF AMERICA :
: CRIMINAL ACTION
v. : NO. 1:11-CR-239-CAP-ECS
ADRIAN MARTINEZ-MONTANEZ, :
Defendant. :

CONSENT PRELIMINARY ORDER OF FORFEITURE

The Court having accepted the guilty plea of Defendant Adrian Martinez-Montanez to Counts One and Three of the Indictment, pursuant to which the Government sought forfeiture of certain property under 21 U.S.C. § 853, and the Court having determined, based upon the Defendant's guilty plea, that the property described below is subject to forfeiture pursuant to 21 U.S.C. § 853, that the Government has established the requisite nexus between said property and the offenses charged in Counts One and Three of the Indictment, and the Defendant having consented to this Consent Preliminary Order of Forfeiture becoming final as to him, being made a part of his sentence and being included in the judgment against him;

IT IS HEREBY ORDERED that the Defendant shall forfeit to the Government the following property, pursuant to 21 U.S.C. § 853, as property involved in the commission of the offenses to which he pleaded guilty:

a. 2011 Kia Sorento, VIN 5XYKU4A26BG001591.

IT IS HEREBY ORDERED that upon entry of this order, the United States Attorney General, or his designee, is authorized to seize the above-listed property in accordance with Fed. R. Crim. P. 32.2(b)(3).

The United States shall publish notice of this Order and its intent to dispose of the property in accordance with Fed. R. Crim. P. 32.2(b)(6) and in such a manner as described in Supplemental Rule G(4)(a)(iii) and (iv) of the Federal Rules of Civil Procedure. The United States shall send written notice, in accordance with Supplemental Rule G(4)(b)(iii)-(v), to any person who reasonably appears to be a potential claimant with standing to contest the forfeiture of the above-listed property in the ancillary proceeding.

Pursuant to 21 U.S.C. § 853(n)(2), any person, other than the named Defendant, asserting a legal interest in the property may within thirty days of the final publication of the notice or their receipt of the notice, whichever is earlier, petition the Court for a hearing without a jury to adjudicate the validity of their alleged interest in the property and for an amendment to the order of forfeiture. Any petition filed by a third party asserting an interest in the property shall be signed by the petitioner under penalty of perjury and shall set forth the nature and extent of the

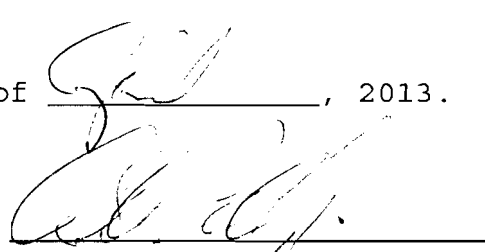
petitioner's right, title or interest in the property, the time and circumstance of the petitioner's acquisition of the right, title or interest, any additional facts supporting the petitioner's claim and the relief sought.

After the disposition of any motion filed under Fed. R. Crim. P. 32.2(c)(1)(A) and before a hearing on the petition, discovery may be conducted in accordance with the Federal Rules of Civil Procedure upon a showing that such discovery is necessary or desirable to resolve factual issues.

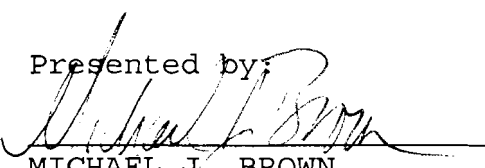
The United States shall have clear title to the property following the Court's disposition of all third-party interests or if none, following the expiration of the period provided in 21 U.S.C. § 853(n)(2) for the filing of third-party petitions. The Court shall retain jurisdiction to enforce this order and to amend it as necessary, pursuant to Fed. R. Crim. P. 32.2(e).

IT IS FURTHER ORDERED that, pursuant to Fed. R. Crim. P. 32.2(b)(4), this Preliminary Order of Forfeiture is hereby final as to the Defendant. If no third party filed a timely claim, this order shall become the final order of forfeiture, as provided by Fed. R. Crim. P. 32.2(c)(2).


SO ORDERED this 25 day of Feb, 2013.


CHARLES A. PANNELL, JR.
UNITED STATES DISTRICT JUDGE

Presented by:


MICHAEL J. BROWN
ASSISTANT UNITED STATES ATTORNEY
Georgia Bar No.: 064437

Consented to:


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